

Assembly Bill No. 1806

CHAPTER 722

An act to add Sections 951.5 and 955 to the Military and Veterans Code, relating to veteran interment.

[Approved by Governor September 28, 2012. Filed with
Secretary of State September 28, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1806, Cook. Veteran interment: veterans' remains organizations.

Existing law authorizes a cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran to release the remains to a veterans' remains organization, as defined, for interment after specified conditions are met, including possession of the remains for at least one year.

This bill would require the public administrator of a county to make every reasonable effort to determine if the unclaimed remains of a decedent referred to the public administrator belong to a veteran or the dependent of a veteran. The bill would require the public administrator to work with specified entities, including the county veteran service officer, to determine if the remains belong to a veteran or the dependent of a veteran. The bill would require a county veteran service officer who determines that unclaimed remains are those of a veteran or dependent of a veteran, and that the remains meet the criteria for interment by a veterans' remains organization, to report specified information to the Department of Veterans Affairs. This bill would require the department to maintain a list of those unclaimed remains, and make that list available to veterans' remains organizations by phone or in person. By increasing the duties of counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Burial with Honor Act of 2012.

SEC. 2. Section 951.5 is added to the Military and Veterans Code, to read:

951.5. The public administrator of the county shall make every reasonable effort to determine if the unclaimed remains of a decedent referred to the public administrator belong to a veteran or the dependent of a veteran. If there is reason to believe that the remains belong to a veteran or the dependent of a veteran, the public administrator shall work with the county veteran service officer, a national veterans cemetery, the United States Social Security Administration, the United States Department of Veterans Affairs, or other applicable entity to determine if the remains belong to a veteran or the dependent of a veteran.

SEC. 3. Section 955 is added to the Military and Veterans Code, to read:

955. (a) (1) A county veteran service officer that determines, pursuant to Section 951.5, that unclaimed remains are those of a veteran or dependent of a veteran, and that the remains meet the criteria for interment by a veterans' remains organization pursuant to Section 952, shall report the following information to the Department of Veterans Affairs:

(A) The name, rank, and branch of service of the deceased or, if the deceased is the dependent of a veteran, the name of the deceased and the name, rank, and branch of service of the eligible veteran.

(B) Dates of service.

(C) Location of the remains and a telephone number and name for the contact at that location.

(2) If, pursuant to Section 951.5, the public administrator of a county determines, without the involvement of the county veteran service officer, that the remains belong to a veteran or dependent of a veteran, the public administrator shall report this information to the county veteran service officer. Following this report, the county veteran service officer shall follow the reporting procedures described in paragraph (1).

(b) The Department of Veterans Affairs shall create and maintain a list of veterans and dependents of veterans whose remains are reported pursuant to subdivision (a). This list shall be available to the representatives of veterans' remains organizations by telephone or in person.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.